

**FILED**

**JUN 09 2006**

U.S. BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

In re:

EDWARD KILE,

Debtor.

Chapter 7

No. 4-04-bk-02237-JMM

Adv. No. 4-05-ap-00009-JMM

M. KENNETH MUDGE and LEORA  
MUDGE, TRUSTEE OF THE MUDGE  
TRUST DATED MAY 29, 2002, AS TO  
AN UNDIVIDED 48.6322% INTEREST;  
LINCOLN TRUST COMPANY,  
TRUSTEE FBO M. KENNETH MUDGE  
AS TO AN UNDIVIDED 21.2766%; and  
FEDERAL HOME LOANS  
CORPORATION AS TO AN  
UNDIVIDED 30.0912% INTEREST,

Plaintiffs,

vs.

EDWARD KILE and ROBYN KILE,  
husband and wife; RIBSY  
PRODUCTIONS, LLC, a California  
limited liability company; STATEWIDE  
GROUP, INC., dba STATEWIDE  
FORECLOSURE SERVICES,

Defendants.

**MEMORANDUM DECISION RE:**

**JOINT MOTION TO DISTRIBUTE (DKT. 58)**

(Opinion to Post)

On December 9, 2005, the Trustee filed a "Joint Motion to Approve Proposed Distribution of Interplead Funds" ("Joint Motion"). This Joint Motion was filed in a pending adversary proceeding,

h:\wp\orders\

1 but in fact relates to an administrative distribution of essentially all of the assets of the case. Accordingly,  
2 the clerk shall file this Memorandum Decision and accompanying Order in both:

- 3
- 4 • Adversary file 05-09, and
- 5 • Administrative file 04-2237
- 6

7 The resolution of the Joint Motion was complicated by what were, at the time, two  
8 unresolved monetary motions, to wit:

- 9
- 10 1. The application of the Mudge Group for fees and costs, and
- 11 2. Debtor's counsel's application for fees and costs.
- 12

13 The court has now ruled on both matters. With the ruling on this matter, the interlocutory nature of the  
14 Mudge's Group's request is now rendered final and appealable, as is the ruling on Debtor's counsel's  
15 request for fees and costs.

16 Turning to the Trustee's present Joint Motion, it would appear that this court's two new  
17 rulings, set forth above, turn the Joint Motion's distribution scheme on its head.

18 Therefore, the Joint Motion will be DENIED. The Trustee is directed to reconsider any  
19 distribution scheme or settlement with an eye toward how the recent court rulings have impacted the  
20 proposed distribution, the treatment of community claims, and, to the extent Robyn Kile and/or Ribsy  
21  
22  
23  
24  
25  
26

1 Productions claim entitlement to any funds, the impact of any fraudulent conveyance or other avoidance  
2 actions may be applicable. A separate order will be entered. FED. R. BANKR. P. 9021.

3  
4 DATED: June 8, 2006.

5  
6   
7 JAMES M. MARLAR  
8 UNITED STATES BANKRUPTCY JUDGE

9 COPIES served as indicated below this 8  
10 day of June, 2006, upon:

11 Matthew R.K. Waterman  
12 Waterman & Waterman, P.C.  
13 33 North Stone Avenue, Suite 2020  
14 Tucson, AZ 85701  
15 Email [mrkw@watermanlaw.com](mailto:mrkw@watermanlaw.com)  
16 Attorneys for Debtor

17 Scott B. Cohen  
18 Heather M. Fox  
19 Sacks Tierney P.A.  
20 4250 N. Drinkwater Blvd., 4th Floor  
21 Tucson, AZ 85251-3693  
22 Email [scott.cohen@sackstierney.com](mailto:scott.cohen@sackstierney.com)  
23 Email [heather.fox@sackstierney.com](mailto:heather.fox@sackstierney.com)

24 Steven M. Cox  
25 Waterfall Economidis Caldwell Hanshaw &  
26 Villamana, P.C.  
5210 E. Williams Cir., #800  
Tucson, AZ 85711  
Email [smcox@wechv.com](mailto:smcox@wechv.com)

Jack I. Mann  
Gary M. Orlansky  
Law Office of Jack I. Mann  
1901 First Avenue, Suite 405  
San Diego, CA 92101  
Attorneys for Statewide

Timothy J. Silverman  
Holly Nolan  
Solomon Grindle Silverman & Spinella  
12651 High Bluff Drive, Suite 300  
San Diego, CA 92130  
Email [tim@sgsslaw.com](mailto:tim@sgsslaw.com)  
Email [holly@sgsslaw.com](mailto:holly@sgsslaw.com)

Scott D. Gibson  
Gibson, Nakamura, & Decker, PLLC  
2941 N. Swan Rd., Suite 101  
Tucson, AZ 85712-2343  
Email: [sgibson@gnglaw.com](mailto:sgibson@gnglaw.com)

Larry Lee Watson  
Office of the United States Trustee  
230 North First Avenue, Suite 204  
Phoenix, AZ 85003-1706  
Email [larry.watson@usdoj.gov](mailto:larry.watson@usdoj.gov)

By /s/ M.B. Thompson  
Judicial Assistant